



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on May 11, 2022

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR DANIELLE H. MOORE
- IV. COMMENTS OF TOWN COUNCIL MEMBERS
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: APPROVED, AS AMENDED

- VII. Review of a Stop Work Order Due to Three Strike Rule at 310 Clarke Avenue (addition from May 10, 2022 Agenda)

ACTION: LIFT STOP WORK ORDER, WAIVE THIRD STRIKE, AND ALLOW CONTRACTOR TO APPLY FOR RIGHT OF WAY PERMIT, PROVIDED THAT ALL FINES HAVE BEEN PAID

- VIII. PRESENTATIONS

- A. Introduction of Code Review Planning Firms, Zone Co. and Corradino Group

TIME CERTAIN: 2:00 PM

ACTION: NONE

- B. Moratoriums and Zoning in Progress
John C. Randolph, Town Attorney

ACTION: NONE

IX. RESOLUTIONS

- A. RESOLUTION NO 064-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 345 Pendleton Lane Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

ACTION: APPROVED

- B. RESOLUTION NO 065-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 200 Algoma Rd Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

ACTION: APPROVED

- C. RESOLUTION NO 066-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 215 Mediterranean Rd Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

ACTION: APPROVED

X. DEVELOPMENT REVIEWS

D. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

- a. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [The

Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

ACTION: DEFERRED TO JUNE 15, 2022

- b. **ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) - VARIANCES & SITE PLAN REVIEW** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 Meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting
ACTION: DEFERRED TO JUNE 15, 2022
- c. **ZON-22-029 (HSB-22-002) 854 S COUNTY RD (COMBO) - VARIANCES** The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for variance (1) to retain the existing nonconforming side (north) setback to accommodate substantial additions to a historically significant building. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
ACTION: APPROVED
- d. **ZON-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO) - VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances to reduce both side yard setback requirements for one-story additions to a historically significant building and for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD. [The Landmarks Preservation Commission deferred the project indefinitely. Carried 7-0.] Staff Recommends a Withdrawal of the Project Per Email From Harold Smith, Architect
ACTION: WITHDRAWN
- e. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand "Andy" Khubani, Managing Member), has filed an application

requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

ACTION: DEFERRED TO JUNE 15, 2022

f. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO)**

- SITE PLAN REVIEW The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single-family residence.

ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

ACTION: DEFERRED TO JUNE 15, 2022

g. **ZON-22-038 (ARC-22-058) 220 BRAZILIAN AVE**

(COMBO) - VARIANCES The applicant, I220 PB LLC (Guy Rabideau), has filed an application requesting Town Council review and approval for variances (1-2) to install AC equipment within both (east and west) side yards of a duplex building not fully screened by a 7' high wall and (3-4) to install an emergency generator in the side (west) yard setback exceeding maximum height allowed and not completely screened by a 7' high wall. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 5-1.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

2. **New Business**

a. **ZON-22-015 (ARC-22-015) 755 N COUNTY RD (COMBO)**
- SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND
VARIANCES

The applicant, Beach Club Inc. (David Shaw, General Manager) has filed an application requesting Town Council review for Special Exception with Site Plan Review and Variance (1) to exceed the maximum allowable lot coverage and (2) to exceed the maximum allowable cubic content ratio (CCR), in order to expand the existing Beach Club facility. The Architectural Commission will perform design review of the application. [Architectural Review Commission

Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- b. **ZON-22-043 482 ISLAND DR - VARIANCES** The applicant, 482 Island Drive Trust (William Atterbury III Trustee), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum projection for a marginal dock and (2) to exceed the maximum allowable width of 30% for docks.
ACTION: APPROVED
- c. **ZON-22-044 (ARC-22-054) 333 SUNSET AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Royal Poinciana South LLC (Arthur Pergament) has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances (1) to exceed the maximum lot coverage, (2 & 3) to reduce required setbacks, (4) to expand an existing nonconforming 7 story building, (5 & 6) to allow pool equipment where not permitted, (7) to exceed the maximum building height and (8) to exceed the maximum allowable amount of equipment in a front yard. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting
ACTION: DEFERRED TO JUNE 15, 2022
- d. **ZON-22-045 (HSB-22-008) 426 SEAPRAY AVE (COMBO) – VARIANCES** The applicant, 426 Seaspray Avenue Trust (Maura Ziska, TR) has filed an application requesting Town Council approval for Variances (1) to exceed the maximum cubic content ratio (CCR), (2) to exceed the maximum lot coverage, and (3) from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 2.27' NAVD and 4.06' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and a two-story additions to an existing nonconforming historically significant building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred the project to the May 18, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting
ACTION: DEFERRED TO JUNE 15, 2022
- e. **ZON-22-051 223 SUNSET AVE—SPECIAL EXCEPTION**

W/ SITE PLAN REVIEW AND VARIANCES The applicant, 233 Sunset Holdings LLC (Peter May), has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the interior renovation of an existing second floor office space in an existing two-story building resulting in an increase of approximately 950 SF of Gross Leasable Area (GLA) and a Variance (1) to provide 0 of the 4 parking spaces required due to the increase of general office space.

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- f. **ZON-22-055 (HSB-22-005) 1161 N LAKE WAY (COMBO) - VARIANCES** The applicant, Maria Fanjul Ryan, has filed an application requesting Town Council review and approval for a Variance (1) from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 3.82' and 5.74' NAVD in lieu of the required 7' NAVD. The Landmarks Preservation Commission will review the variance portion of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- g. **ZON-22-057 (ARC-22-084) 147 SEABREEZE AVE (COMBO) - VARIANCES** The applicant, MEHWD147 LLC (Elanor Acquavella Dejoux), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum lot coverage allowed and (2) to exceed the maximum Cubic Content Ratio (CCR) allowed, in conjunction with a 16 SF first floor addition, and (3) to expand an existing nonconforming 3rd floor roof deck area. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved the project as presented. Carried 6-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- h. **ZON-22-058 (HSB-22-007) 145 CLARENDON AVE (COMBO) - VARIANCES** The applicant, 144 Clarendon LLC (Christopher Uzpen, Manager), has filed an application requesting Town Council review and approval for Variances for (1 and 2) to reduce both of the side (east and west) yard setback requirements and (2) from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building

to construct a ground floor addition with a finished floor of 6.31' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and additions to an existing nonconforming one-story Historically Significant Building. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
ACTION: APPROVED

- i. **ZON-22-059 (ARC-22-086) 2219 IBIS ISLE RD (COMBO) - SITE PLAN REVIEW** The applicant, GLOBAL ONE INVESTMENT GROUP LLC (Alfredo Borges), has filed an application requesting Town Council review and approval for Site Plan Review to allow the construction of a residence on a non-conforming platted lot which is 90 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting
ACTION: DEFERRED TO JUNE 15, 2022

- j. **ZON-22-060 (COA-22-017) 1820 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/SITE PLAN REVIEW AND VARIANCES** The applicant, White Birch Farm Inc. (Peter Brant), has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a beach cabana in the BA zoning district including Variances (1) to reduce the required side (west) setback and (2) to reduce the required ocean bulkhead line setback. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions relating to the architecture. Carried 7-0.]
ACTION: APPROVED

XI. ORDINANCES

A. **First Reading**

1. Proposed Ordinance to Amend Chapter 18 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 009-2022 An Ordinance Of The Town Council

Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Specifically At Article I, In General, Section 18-1, Datum Plane Adopted; And At Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments For Flooding, Section 18-244, Amendments; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

2. Proposed Ordinance to Amend Chapter 50 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 010-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article III, Definitions And Article IV, Flood Resistant Development, To Provide For Accessory Structures In Flood Hazard Areas And To Specify Elevation Of Manufactured Homes In Flood Hazard Areas; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

XII. ANY OTHER MATTERS

1. Native Landscaping

ACTION: CONSENSUS OF THE TOWN COUNCIL IS TO SEND THE ITEM TO ORDINANCES, RULES & STANDARDS COMMITTEE FOR FURTHER STUDY.

2. PZB Brochures regarding construction

ACTION: CONSENSUS OF THE TOWN COUNCIL IS TO SEND THE BROCHURES TO RESIDENTS AFTER THEY HAVE BEEN MODIFIED.

3. Valets on Worth Avenue

ACTION: CONSENSUS OF THE TOWN COUNCIL IS TO ADD THE ITEM TO THE JUNE 14, 2022 AGENDA, WITH CHIEF CARISTO, PAUL ALBER AND BEN ALMA PRESENT FOR THE DISCUSSION.

4. Add on to Construction Projects

ACTION: CONSENSUS OF THE TOWN COUNCIL IS TO ADD THE ITEM TO THE JUNE 15, 2022 AGENDA.

5. Temporary COVID Outdoor Seating

ACTION: CONSENSUS OF THE TOWN COUNCIL IS TO EXTEND THE TEMPORARY OUTDOOR SEATING TO LABOR DAY, SEPTEMBER 5, 2022.

XIII. ADJOURNMENT